

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AIR LINE PILOTS ASSOCIATION
INTERNATIONAL,

Plaintiff,

v.

Case No. 08-13785

SPIRIT AIRLINES,

HONORABLE AVERN COHN

Defendant.

ORDER REGARDING VERIFIED SUPPLEMENTAL PLEADING

This is a labor case. On November 3, 2008, defendant filed a motion to dismiss the complaint under Fed. R. Civ. P. 12(b)(1). The motion is fully briefed and was scheduled for hearing on January 28, 2009. On November 12, 2009, plaintiff filed a motion for leave to file a verified supplemental pleading under Fed. R. Civ. P. 15(d). The Court granted the motion. See Order filed January 15, 2009. Defendant wishes to file a motion to dismiss the verified supplemental pleading under Fed. R. Civ. P. 12(b)(6). This date, the Court entered a Stipulated Order Re: Briefing Schedule on Motion to Dismiss. Essentially, the parties have agreed to adjourn the hearing on defendant's 12(b)(1) motion, proceed to file and brief the 12(b)(6) motion, and have both motions heard together at a date set by the Court.

For docket clarity, the Verified Supplemental Pleading of the Air Line Pilots Association, International, filed January 15, 2009 (Dkt #17) is hereby construed as an

Amended Complaint. The Clerk shall re-docket it as the same.

SO ORDERED.

Dated: January 22, 2009

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, January 22, 2009, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160